

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DOREEN GREENWOOD,

Plaintiff,

- against -

ANSWER

08 Civ. 4484 (GBD)

CITY OF NEW YORK, et al.,

Defendants.
-----X

Defendants, the City of New York, the New York City Department of Parks and Recreation, Adrian Benepe and Raymond Kelly, by their attorney Michael A. Cardozo, Corporation Counsel of the City of New York, for their Answer to the Complaint (“Complaint”), respectfully allege as follows¹:

1. Deny the allegations contained in Paragraph 1 of the Complaint.
2. Deny the allegations contained in Paragraph 2 of the Complaint, except admit that plaintiff purports to proceed as set forth therein.
3. Deny the allegations contained in Paragraph 3 of the Complaint, except admit that plaintiff was hired on or about June 28, 2000 to work as a provisional Urban Park Ranger, that plaintiff was appointed as a probationary Associate Urban Park ranger effective May 9, 2005, and that plaintiff was terminated effective April 25, 2008.
4. Deny the allegations contained in Paragraph 4 of the Complaint, except admit that pursuant to Chapter 21 of the New York City Charter, the New York City Department

¹ Upon information and belief, Andrew Lunetta and Joseph Trimble have not been served with the Complaint in this action.

of Parks and Recreation (“DPR”) is an agency of the City of New York. Defendants further admit that Adrian Benepe was appointed as Commissioner of DPR on January 25, 2002, and that Joseph Trimble has been the Director of Labor Relations, Payroll, Timekeeping and Benefits of DPR since 2004.

5. Deny the allegations set forth in paragraph 5 of the Complaint, except admit that in 2002, Raymond Kelly was appointed as Commissioner of the New York City Police Department (“NYPD”), and that Andrew Lunetta has been the Commanding Officer of the License Division of the NYPD since February 18, 2008, and respectfully refer the Court to the New York City Administrative Code § 14-101 et. seq. for a complete and accurate statement of the powers and duties of the NYPD.

6. Deny the allegations contained in paragraph 6 of the Complaint, except admit that in or around June 2000, plaintiff was provisionally appointed to the position of Urban Park Ranger with DPR.

7. Deny the allegations contained in Paragraph 7 of the Complaint, and respectfully refer the Court to the document cited for a complete and accurate statement of its content.

8. Deny the allegations contained in paragraph 8 of the Complaint.

9. Respectfully refer the Court to the document cited for a complete and accurate statement of its content.

10. Deny the allegations contained in Paragraph 10 of the Complaint.

11. Deny the allegations contained in Paragraph 11 of the Complaint, and respectfully refer the Court to the document cited for a complete and accurate statement of its contents.

12. Deny the allegations contained in Paragraph 12 of the Complaint.

13. Deny the allegations contained in Paragraph 13 of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or falsity of plaintiff's expectation.

14. Deny the allegations contained in Paragraph 14 of the Complaint.

15. Deny the allegations contained in Paragraph 15 of the Complaint.

16. Deny the allegations contained in Paragraph 16 of the Complaint.

17. Deny the allegations contained in Paragraph 17 of the Complaint.

AS AND FOR A FIRST DEFENSE

18. The Complaint fails to state a claim upon which relief may be granted in whole or in part.

AS AND FOR A SECOND DEFENSE

19. At all times relevant to the acts alleged in the Complaint, Defendants' conduct was reasonable, proper, lawful, constitutional, made in good faith and without malice and/or without willful intent to violate any applicable law, rule or regulation.

AS AND FOR A THIRD DEFENSE

20. Defendants are not liable for punitive damages.

AS AND FOR A FOURTH DEFENSE

21. The Complaint is barred, in whole or in part, by the failure to perform all conditions precedent to suit or to exhaust all administrative remedies or both.

AS AND FOR A FIFTH DEFENSE

22. The individual defendants are protected in suit, in whole or in part, by the doctrines of absolute immunity, qualified immunity, or common law immunity, or by any combination of these doctrines.

WHEREFORE, Defendants request judgment dismissing the Complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 8, 2008

MICHAEL A. CARDOZO
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By: **ECF** /s/
Carolyn Walker-Diallo
Assistant Corporation Counsel

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MICHAEL A. CARDOZO

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New York, NY 10007

Of Counsel: Carolyn Walker-Diallo

Tel: (212) 788-0868

CITY NO.: 2008-019461

Due and timely service is hereby admitted

New York, N.Y., 200 . . .

..... Esq.

Attorney for